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DATE: **November 11, 2003**

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OFFICIAL PAPER

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Examiner:	**Kubelik, Anne R.**
U.S.P.T.O. Group Art Unit:	**1638**
Telecopier No.:	**(703) 872-9307**
U.S. Serial No.:	**09/257,585**
Client/Matter No.:	**WARF-0071**
Sender's Name:	**Janet E. Reed**
Pages to Follow:	**27**

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Attached hereto is/are the following documents:

1) Reply transmittal (4 sheets) with Certificate of Facsimile Transmission
2) Supplement to Second Reply Pursuant to 37 CFR 1.116 (11 pages) with Certificate of Facsimile Transmission
3) Exhibit 1 (4 pages of internet search)
4) Supplemental Information Disclosure Statement and PTO 1449 (5 pages)
5) Two cited references (3 pages)

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

PAGE 1/28 * RCVD AT 11/11/2003 10:24:17 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729307 * CSID:+2155683439 * DURATION (mm-ss):06-40

DOCKET NO.: WARF-0071 (P98067US) **PATENT**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Application of:
Sally A. Leong, et al.

Application No.: **09/257,585**

Filing Date: **February 25, 1999**

Confirmation No.: **2444**

Group Art Unit: **1638**

Examiner: **Anne R. Kubelik**

For: **Cultivar Specificity Gene from the Rice Pathogen *Magnaporthe grisea* and Methods of Use**

CERTIFICATE OF FACSIMILE TRANSMISSION

DATE: November 10, 2003

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE TO FACSIMILE NUMBER 703-872-9307 ON THE DATE LISTED ABOVE

Janet E. Reed, Ph.D. REG. NO. 36,252

☐ MS Non-Fee ☒ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

☐ A Preliminary Amendment.

☐ An Amendment Responsive to the Office Action Dated .

☒ An Amendment Supplemental to the Paper filed August 29, 2003.

☐ A Substitute Specification (pages 1 -) in clean form.

☐ A substitute specification (pages 1 -) with markings.

☐ An Abstract is enclosed.

☐ replacement sheets of drawings are enclosed comprising figures .

☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.

DOCKET NO.: WARF-0071 (P98067US) **PATENT**

☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.

☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures

☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.

☐ A Certified Copy of each of the following applications: is enclosed.

☐ An Associate Power of Attorney is enclosed.

☐ Information Disclosure Statement.

☐ Attached Form 1449.

☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.

☐ A Terminal Disclaimer is attached.

☐ Appendices as follows:

☒ Other: Exhibit 1 (4 pages of internet search); copy of Supplemental Information Disclosure Statement and attached Form 1449 with two cited references (8 pages) filed on August 29, 2003.

☒ **No Additional Fee is Due.**

☒ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.

☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as .

☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

DOCKET NO.: WARF-0071 (P98067US) **PATENT**

	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	SMALL ENTITY RATE	SMALL ENTITY FEE	NOT SMALL ENTITY RATE	NOT SMALL ENTITY FEE
TOTAL CLAIMS	7	29 (20 MINIMUM)	0	$9 EACH	$0	$18 EACH	$
INDEP. CLAIMS	2	5 (3 MINIMUM)	0	$43 EACH	$0	$86 EACH	$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				$145	$0	$290	$
☐ ONE MONTH EXTENSION OF TIME				$55	$0	$110	$
☐ TWO MONTH EXTENSION OF TIME				$210	$205	$420	$
☐ THREE MONTH EXTENSION OF TIME				$475	$0	$950	$
☐ FOUR MONTH EXTENSION OF TIME				$740	$0	$1480	$
☐ FIVE MONTH EXTENSION OF TIME				$1005	$0	$2010	$
☐ LESS ANY EXTENSION FEE ALREADY PAID				minus	($205)	minus	($)
☐ TERMINAL DISCLAIMER				$55	$0	$110	$
☐ OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					$0		$

☐ A check in the amount of $.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.

☐ Please charge Deposit Account No. 23-3050 in the amount of .00. This sheet is attached in duplicate.

☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of to and through comprising an extension of the shortened statutory period of month(s).

DOCKET NO.: WARF-0071 (P98067US) **PATENT**

☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: November 10, 2003

Janet E. Reed, Ph.D.
Registration No. 36,252

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Philadelphia PA 19103
Telephone: (215) 568-3100
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DOCKET NO.: WARF-0071 (P98067US)
Application N .: 09/257,585
Office Action Dated: 11/5/02 And 3/25/03

PATENT
REPLY FILED UNDER EXPEDITED PROCEDURE PURSUANT TO 37 CFR § 1.116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Sally A. Leong et al.

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Janet E. Reed, Ph D. REG. NO 36,252

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENT TO SECOND REPLY PURSUANT TO 37 CFR § 1.116

In response to the Official Action and Advisory Action dated **November 5, 2002 and March 25, 2003** respectively, reconsideration is requested in view of the amendments and/or remarks as indicated below:

☒ **Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.

☒ **Remarks/Arguments** begin on page 5 of this paper.

PAGE 6/28 * RCVD AT 11/11/2003 10:24:17 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729307 * CSID:+2155683439 * DURATION (mm-ss):06-40